

Department of Corrections Advisory Council
Room 152 – Capitol
February 12, 2008
Meeting Summary

Members Present: Lt. Gov. John Bohlinger, Sen. Steve Gallus, Sen. Trudi Schmidt, Channis Whiteman, Cascade County Sheriff Dave Castle, Ravalli County Attorney George Corn, Rep. Tim Callahan, Dist. Judge Kurt Krueger, Toole County Commissioner Allan Underdal, and Lois Menzies (representing Bob Peake).

Members Absent: Kris Copenhaver-Landon, Kevin Madman, Sen. Jim Shockley and Emily Matt Salois.

Guests: Anna Whiting Sorrell, J.C. Weingartner, Scott Creighton, Joe Mazurek, Jerry Marble, Bill Slaughter, Brent Doig, Jim MacDonald, Pat Gervais, Tom McKerlick, Larry Johns, Mike Harling, Jim Whaley, Jackie Williams, Paul Green, Larry Vandersloot, Rebecca Convery, Greg Smith, Tom Sisler, and Kelly Durham.

Staff: Mike Ferriter, Bob Anez, Gary Hamel, Diana Koch, Ross Swanson, Gayle Lambert, Steve Gibson, and Myrna Omholt-Mason

Call to Order: Lt. Gov. Bohlinger called the meeting to order and asked for participants to introduce themselves. Meeting summary of November 13, 2007 was approved as written.

Hardin detention center update: Mr. Gallus told the group the main focus of the discussion is to clarify the pre-construction negotiations/conversations that took place prior to the building of the 464-bed medium security facility.

DOC Chief Legal Counsel Diana Koch gave a factual overview of the lawsuit filed by Hardin. It started with the Attorney General's Opinion that with existing statutes Two Rivers could not contract to bring in out-of-state inmates to the facility. The City of Hardin and Two Rivers Authority, the city's economic development agency, filed suit to overturn the Attorney General's Opinion through the District Court in Lewis & Clark County.

Former DOC Director Bill Slaughter told the group that he had meetings with the Hardin economic development group in late 2003 or early 2004 during which time the state was struggling with overcrowding in state and county facilities. DOC was proposing expanding the Shelby prison by an additional 120 beds and Hardin saw this as an opportunity for economic development. Mr. Slaughter told the development group the DOC could offer technical assistance but no promises were made to utilize the facility nor were any contracts signed. The 120-bed expansion did not take place as the department shifted its focus to utilize community based services and hiring additional probation and parole officers.

Representatives from the city of Hardin, Two Rivers Authority, and investors in the facility addressed the group. The consortium agreed there were no signed contracts with the DOC to utilize the facility. The facility was built as a local detention facility

under Title 7 laws, therefore the architectural plans did not have to be reviewed by the state. The Department of Corrections did not review or approve the plans before the building was erected, they said. Mrs. Schmidt asked why Two Rivers officials did not inform the legislature of its plans or try to secure approval from the legislature. Representatives of the facility did not approach the legislature, they said, because the building was financed through the sale of \$27 million in revenue bonds. The detention center has been unable to secure contracts with the federal government or other states because of Montana statutes regulating detention centers and the Attorney General's Opinion that interpreted those statutes.

Lt. Gov. Bohlinger empathized with the Hardin representatives but reiterated that the goal of the DOC and the Administration is to have 80% of offenders in a community based setting. He looks forward to working with all stakeholders and is hopeful that a solution can be found.

Montana population trends and projections: Susan Ockert of the Census and Economic Information Center in the Department of Commerce gave an overview of Montana's current population, population projections and labor force and income. Jobs in the energy sector are booming; men outnumber women for the first time in 30 years; the western portion of the state is more densely populated than the eastern portion; Montana's population projection will be a million people by 2015; American Indians are the major minority group with the median age being 37; workers are not retiring until they reach 70 years old therefore the labor force is aging and there is a net loss of children moving out of state and not returning. Montana's state-to-state comparison based on 2005 statistics rankings are: 47th in personal income, 44th in population, 43rd in median household income and 50th in average wage per job. The summary of the presentation is that the state's population is aging except for American Indians, the workforce is shrinking and fewer people are providing goods and services to the larger and older population.

Offender population factors: Professors Dan Doyle, Jim Burfeind, and Dusten Hollist at the University of Montana, Department of Sociology and Criminology, gave the group their report via telephone conference call.

Important demographic factors that influence crime perpetration and victimization on a consistent basis over time are: *age* (late teens to early 30's), using this information, increases in offender populations can be predicted as persons who are born now reach the age of 16 and older. *Gender*, crime is committed overwhelmingly by males. *Socio-economic status*, there is a correlation between having relatively low status and being in poverty and perpetrating crime. *Race/ethnicity*, minority persons are more likely to be perpetrators of violent crimes. Studies have shown that in violent crimes the characteristics of likely victims closely match the characteristics of likely perpetrators i.e., young, male, minority persons, and having a lower socio-economic status. If patterns can be traced on those sub-groups within society that will give a good prediction of what

crime will look like into the future.

The nature of the crime problem changes over time and if current sentencing guidelines continue to be applied this will have a significant impact on crime rates and how the system responds. Anger management and cognitive restructuring programs in both men and women's facilities tend to reduce the rate of recidivism. Other factors that generate increased crime at the local level are: economic booms and busts, population instability, tourism, gang activities, drugs, and gambling.

The four demographic factors: age; gender; socio-economic status and race will be useful tools that the council can use to project offender population trends. Using alternatives to incarceration i.e., drug courts, community based programs, Intensive Supervision Program, mental health needs of offenders, and current sentencing guidelines also need to be factored into future population projections.

DOC offender population report: Gary Hamel, administrator of Health Planning and Information Services Division gave an overview of DOC's second quarter population projections. Secure populations are projected to grow at a slower pace than community corrections alternatives to prison. The department is using specialized treatment programs i.e., meth and DUI treatment centers, to optimize the chances of successful re-entry into the community as well as realizing the significant problem of offender mental health issues also needing specialized treatment programs. Future projection is more offenders will be coming into the system than leaving, secure beds (prison and jail) are declining, and alternatives to prison community based programs are growing.

Steve Gibson, administrator of Youth Services Division, talked about juvenile population numbers at Riverside and Pine Hills youth correctional facilities. Both admissions and revocations at Pine Hills continue to drop. The key component that works for youth corrections is cognitive and other best practice programming in reducing recidivism. There is an after care coordinator in each facility that coordinates re-entry to the community where the youth will be living. The community based re-entry programs are having a great affect on what youth services does. Youth guide homes and statewide mentoring programs are also instrumental in keeping the numbers of youth in secure care low.

Strategic Planning Committee update: Ross Swanson, Deputy Warden at MSP presented the department's strategic plan. The 2007 legislature appropriated money for planning projects statewide. DOC received approximately 250K of these funds for departmental planning for adult male and female correctional facilities. The initial scope of the plan has been expanded to include for review all facets of DOC including community corrections, secure care facilities and juvenile facilities that are at or in excess of operational capacity or have outgrown their existing infrastructures. A committee comprised of DOC staff, the governor's budget office and a staff person from the Department of Administration's Architecture and Engineering Division have met. A consultant experienced in inmate population projections and developing master plans

along with an architectural firm with experience in state construction projects were hired to help guide the committee. The committee will also work with the DOC offender population projection committee on anticipated offender population projections and how they affect facility needs. The Advisory Council will be asked to review and analyze the information provided by the committee, review the draft master plan, decide what portions of the plan require action by the 2009 and subsequent legislative sessions and establish a timetable for future infrastructure projects.

Discussion of offender population projections 2012-2021: Bob Anez discussed the methodology of projecting populations as represented by the three graphs given to the Council. It's very difficult to project what type of population the system will have in the future, how to plan for it, and what will be, in the long term, the factors affecting prison populations. The strategic planning consultant will attend all future Advisory Council meeting to provide updates regarding facilities and population projection techniques.

Update on Law and Justice Interim Committee work: Ms. Sheri Heffelfinger, Legislative Services Division, talked about the Law and Justice Committee's work plan review handout. The committee has four resolutions: HJR 26-study mental health and adult and juvenile justice systems; SJR 24 – study prison population growth and diversion alternatives; SJR 6 – study juvenile justice system; and HJR 50 – study involuntary civil precommitment process and costs. The tasks were outlined specific to each resolution, what activities have taken place on interim committee meeting dates, and what will be the next steps of each individual study group. Ms. Heffelfinger talked about the emerging issues that have been identified by interim committee members, LSD staff, and affected agencies are: Hardin Detention Facility; payment of hospital costs for inmates; recent Supreme Court decision: *In the Matter of the Mental Health of D.V.*; and public defender commission. She gave a brief description of actions taken by the committee to address Hardin, hospital payments and the Supreme Court decision. The issue of public defender commission will be discussed at a future interim committee meeting. There are five remaining interim committee meetings. Agenda topics will include adult and juvenile justice working group recommendations, and agency draft legislation reviews. The final meeting in September is presenting the final report and recommendations.

Public comment: Tom Sisler, a Missoula resident, talked about the day-to-day struggles he's encountering while being on parole. Mr. Sisler said that probation and parole officers need to take more active roles in helping integrate offenders into the community. It is very important to have community programs and support available for youth to prevent juvenile offenders becoming adult offenders. Director Ferriter pointed out that 70% of offenders talked about in today's meeting are under adult probation and parole supervision. DOC knows the value of maintaining offenders at that level.

Committee member George Corn brought forth two problems that continually crop up that need to be addressed: 1) if the offender is given a deferred imposition of sentence and is required to undergo treatment, the offender has to pay for the treatment themselves. This is counterproductive in keeping people out of the system. 2) offenders in the methamphetamine treatment centers, lose their deferred imposition of sentence and upon discharged he/she are labeled as a convicted felons. This label impacts all areas of their lives and their family's lives and Mr. Corn suggested the Council look at changing this through the legislature.

Discussion of Council work plan, May meeting agenda and location: Bob Anez asked for the Council's input for the May 13 & 14 meeting slated to focus on community corrections and prison alternative programs. A tour of Riverside Youth Correctional Center, the Elkhorn treatment center and the Helena prerelease center were listed on the plan as well as an update from the strategic planning consultant relative to the committees work thus far. Tours of facilities could be done the morning and early afternoon of May 13 with the afternoon work session beginning around 2 p.m. The May 14 work session could start at 9 a.m. and run until 4 p.m. Mr. Anez asked the council members to e-mail him with their preferences regarding the proposed timetable.

Meeting was adjourned at 2:30 p.m.